

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EK VENTURES I, LLC, DAVID L.
TAYLOR, DAVID L. TAYLOR and
VIRGINIA L. TAYLOR as TRUSTEES FOR
THE TAYLOR FAMILY REVOCABLE
TRUST and FLEXTRONICS
INTERNATIONAL LTD.,

Plaintiffs,

v.

JAMES R. BARTLETT and Z.B.R.
PUBLICATIONS, INC.,

Defendants.

Civil Action
No. 03CV12506WGY

AFFIDAVIT OF THOMAS S. FITZPATRICK

I, Thomas S. Fitzpatrick, hereby depose and state as follows:

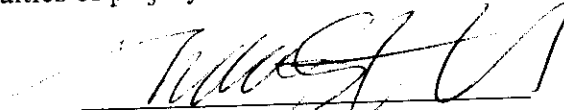
1. I am an attorney licensed to practice before the courts of the Commonwealth, am admitted to practice before this Court, and am a shareholder and director of Davis, Malm & D'Agostine, P.C. I am also counsel to defendant James R. Bartlett.

2. At my request plaintiffs' counsel Jerold T. Everad, Esq., furnished me with a copy of the STOCK PURCHASE AND SALE AGREEMENT For The Acquisition of BINDCO CORPORATION By GLOBALWARE SOLUTIONS, INC. and some of the Exhibits and Schedules to that Agreement.

3. Attached hereto as Exhibit A is a true and accurate copy of the Agreement (without Exhibits or Schedules) furnished to me by plaintiffs' counsel.

4. Attached hereto as Exhibit B is a true and accurate copy of plaintiffs' counsel's transmittal letter to me of January 8, 2004.

Signed under the pains and penalties of perjury this 21st day of January, 2004.


Thomas S. Fitzpatrick

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